NOVA SCOTIA

Labour and Workforce Development

OCCUPATIONAL HEALTH AND SAFETY DIVISION

ANNUAL REPORT

April 1, 2009 to March 31, 2010

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Summary and Highlights of 2009/2010

The highlights of the OHS Division's *("Division")* operations in 2009/10 include:

1. The restructuring of the Division continued to take place with the approval to establish a new section called *"Investigations, Technical and Internal Services"*. Budget and staffing level increases were approved.

2. The Division reviewed and updated all staff position descriptions.

3. The Division continued to work on present and future OHS issues identified in its 2008/09 strategic planning process in cooperation with the Advisory Council.

4. The Division worked on amendments to, and creation of, several legislative items including:
   a. Fall Protection and Scaffolding Regulations
   b. Occupational Health and Safety Act
   c. Administrative Penalties Regulations
   d. Appeal Panel Regulations
   e. Canada - Nova Scotia Offshore Accord Implementation Act.

5. The Division implemented the Administrative Penalties Regulations in January 2010, following several months of research, consultation, planning and development. Between Jan. 15 - Mar. 31, 2010, a total of 72 penalties were issued, primarily in the central region of the province.

6. Division staff participated in and delivered numerous presentations to individual organizations, associations and conferences throughout the year ranging from general and regulation-specific awareness presentations to more than thirty (30) province-wide (and industry-varied) presentations on the new administrative penalties regulations and guidelines.

7. The Division participated on a two-member (LWD and TIR) regulatory body to review and update the Temporary Workplace Traffic Control Manual in consultation with a stakeholder working group.

8. The Division continued to use and improve its Activity Tracking System that aims to generate better information on staff activities through the availability of a reporting tool.

9. The Division continued work on an ISO-9001 compliant Quality Management System. However, the progress was slowed due to the research, development and implementation of the new Administrative Penalties Regulations.

10. The Division continued to receive high client satisfaction scores in the areas we currently survey, namely the Internet and the publication mail-out.

11. The Division continued to deliver the "OHS News"via a broadcast e-mail system conducted monthly as a means to promote general and specific OHS awareness, and to increase compliance.

12. The Division delivered eight (8) OHS presentations across the province as part of the "Nova Scotia Collision Repair Information Sessions" that were organized by the industry.

13. The Division participated in the development of national standards by:
    a. serving on Canadian Standards Association technical committees regarding:
        - CSA Standard Z1002 - Occupational Health and Safety - Hazards and Risk Identification, Assessment, Elimination and Control, and
        - CSA Standard Z462 - Workplace Electrical Safety;
    b. participating in the review of the WHMIS laws and their potential harmonization with international standards through the Globally Harmonized System of Classification and Labeling of Chemicals;
    c. serving on various inter-jurisdictional committees, such as the Canadian Association of Administrators of Labour Legislation and Representatives of the Atlantic Provinces; and
    d. serving on provincial and national committees addressing radiation.

14. The Division initiated and funded a project that successfully promoted radiation safety and hazard identification for industry staffs. Although focussed primarily on the veterinary industry, this project benefited all persons that are required to work around radiation-emitting devices and equipment (i.e., x-ray staff at hospitals, clinic, dental offices, etc.).

15. The Division continued to work with the agency partners making up the Workplace Safety and Insurance System. The partners attended two (2) stakeholder consultations during the fiscal year. All WSIS committees (Coordinating Committee, Heads of Agencies Committee, Strategic Performance Advisory Committee, Issues Resolution Committee and Joint Committee) were active during the fiscal year.

16. In consultation, collaboration and cooperation with its WSIS partners, the Division worked on the following additional issues in 2009/2010:
    - IRS
    - Education
    - Training
    - Education
    - Fall Protection and Scaffolding (review of legislation)

- Targeting
- Temporary Foreign Workers

16. Division hygienist staff participated on various interdepartmental working groups in formulating the provincial H1N1 strategy and response.

17. The Division initiated a project to develop an online tool allowing clients and visitors to search a 'Frequently Asked Questions' (FAQ) database. Expected completion and implementation of this new online tool is 2009/10.

18. The Division participated on two stakeholder and regulatory committees relative to changes to the Temporary Workplace Traffic Control Manual. This initiative saw many positive changes to the manual which were well-received by the stakeholder body.

19. Overall Division activity figures for FY 2004/05 - 2008/09 inclusive have been updated in this Annual Report to correct an automated calculation tool that previously under-reported various operational statistics.

20. The Division supported staff attendance at various professional conferences throughout Canada, as well as a week-long mentorship opportunity in Newfoundland & Labrador (re: radiation).

21. The Division approved funding and periodic leave support for an Occupational Hygienist to enrol in the Occupational Hygiene Masters degree program at McGill University, Montreal.

22. Although the number of total activities remained consistent with 2008/09 statistics, it should be noted that the number of Orders issued in 2009/10 increased approximately 24% over 2008/09.

23. Based on the data produced from the IRS Checklists compiled by officers during inspection activities, there was a marked increase in compliance to IRS-related legislation. In fact, all 27 areas measured reflect an increased level of compliance.

24. There were 12 prosecutions decided in 2008/09. The Division's success rate was 91%.

25. A number of social marketing campaigns were active during the fiscal year, including campaigns on television and radio, as well as in print and on the Internet.

Introduction

This is the report from the Occupational Health and Safety Division ("Division") to the Occupational Health and Safety Advisory Council for the period April 1, 2009 to March 31, 2010. These reports are submitted annually in accordance with subsection 9(f) of the Occupational Health and Safety Act to report on activities and provide a review of the administration of the Act and associated programs.

Where injury data is presented, the Division is not necessarily the sole source of the data. Thus, the Division cannot answer accurately or in detail as to the source, quality or trends of the data. If such information is required, the reader is encouraged to contact the organizations from which the data was obtained.

This report is divided into ten (10) areas:

- Summary and Highlights of 2009/2010
- Introduction
- Labour and Workforce Development and the OHS Division
- Business Plans, Strategies, Goals and Objectives
- Divisional Activity Supporting Departmental Priorities
- Review of Compliance with the OHS Act and Regulations
- Review of Performance Measures
- Business Plan Performance Measures
- Review of Divisional Operations
- Appendices

In this document, the following short forms are used:

"Act" means the Occupational Health and Safety Act
"Advisory Council" means the Occupational Health and Safety Advisory Council
"Division" means the Occupational Health and Safety Division of LWD
"LWD" means the Department of Labour and Workforce Development
"HRSDC" means Human Resources and Social Development Canada - Labour Program
"IRS" means the internal responsibility system
"JOHSC" means Joint Occupational Health and Safety Committee
"OHS" means occupational health and safety
"SIC" means the Standard Industrial Classification - a number assigned to companies within the same industry
"WCB" means the Workers' Compensation Board of Nova Scotia
"WSIS" means the Workplace Safety and Insurance System, composed of the Division, the WCB, the Workers' Compensation Appeal Tribunal, the Workers' Advisers Program and, participating as appropriate, HRSDC

Labour and Workforce Development and the Occupational Health and Safety Division.

On April 1, 2008, the Nova Scotia Department of Labour and Workforce Development (LWD) was formed. The Department currently encompasses:

- Adult Education
- Alcohol and Gaming
- Apprenticeship
- Labour Market Partnerships
- Labour Market Transitions
- Labour Services
- Labour Standards
- Occupational Health and Safety
- Policy and Planning
- Building, Fire and Technical Safety (formerly known as "Public Safety" and includes the Office of the Fire Marshal)
- Workers Advisor's Program

The structure of the new Department provided an opportunity to reorganize the Occupational Health and Safety Division so that it could better meet its mandate and service delivery. *(Note: See Appendix A for a Divisional Organizational Chart)*

Business Plans, Strategies, Goals and Objectives

The Division operates within the context of two overall Business Plans, as well as its own 5-year strategic plan. The Labour and Workforce Development Business Plan identifies the broad mission and goals for the Department and the Divisions within. The Division is also a partner of the Workplace Safety and Insurance System (WSIS) and as such has systemic goals and objectives to strive toward. The Division's 5-year work plan reflects the mission, goals and objectives of the broader strategies.

LWD Business Plan 2010-2013

Mission:

- Create winning conditions by fostering the social and economic well-being of Nova Scotians by:
  - Protecting Nova Scotia's people and property;
  - Anticipating and responding to workforce needs;
  - Promoting safety at work, home and play;
  - Ensuring fairness at work;
  - Supporting life-long learning; and
  - Building capacity to seize opportunities.

Strategic Priorities:

- Through programs and learning opportunities encourage individuals to adopt and practice a culture of safety at work, at home and within

Divisional Activity Supporting Departmental Priorities.

Implement administrative tools to enhance compliance with occupational health and safety measures.

- Implemented Administrative Penalties Regulations on January 15, 2010
- Developed and distributed Administrative Penalties literature throughout all industry sectors
- Conducted presentations at conferences, workplaces, and association meetings to promote the awareness of the new Administrative Penalties Regulations
- Developed and distributed online promotional information on the Administrative Penalties Regulations

Provide new temporary foreign workers with health and safety information in a variety of languages.

- Implemented a phone tree system to facilitate communication with French and Spanish-speaking persons
- Facilitated a process for translation services of French and Spanish to interpret questions and formulate answers to respond to callers
- Developed a new Spanish pocket publication of *Your Rights and Responsibilities*
- Engaged Immigration Canada regarding access to businesses using temporary foreign workers

In partnership with the Department of Education, implement a pilot program that will provide occupational health and safety training to Grade 9 students in the province.

- Piloted compulsory occupational health and safety curriculum for Nova Scotia junior high school students
  - Active Healthy Living Grade 9 course offered to Nova Scotia students in six (6) schools across the province providing eight (8) hours of occupational health and safety instruction
  - In 2010/2011, this piloted curriculum would be expanded to all Nova Scotia Junior High School Students. This would be the first compulsory public school occupational health and safety curriculum that we are aware of in Canada

- The Division also partnered with the Adult Education Division, Skills and Learning Branch, as well as the Workers' Compensation Board of Nova Scotia to design occupational health and safety content for students of the Nova Scotia School for Adult Learners
  - This content would also be compulsory for graduation

Workplace Safety and Insurance System (WSIS)

The Division, together with its partners (Workers' Compensation Board (WCB), Workers' Advisers Program (WAP), and the Workers' Compensation Appeals Tribunal (WCAT)) is part of the Workplace Safety and Insurance System (WSIS).

Objectives:

WSIS Goals

- Improve outcomes for workers and employers
- Improve service delivery
- Ensure effective governance of the System, and
- Ensure financial sustainability of the

1. **Increase worker and employer awareness of rights, responsibilities, risks and best practices related to illness and injury prevention**

   - the Division developed and distributed material aimed at raising awareness. Approximate distribution figures are shown below:

Publication	Quantity
OHS Act	720 copies
Administrative Penalties Regulations	1135 copies
Reference Guide to the OHS Act	120 copies
Occupational Safety General Regulations (OSGR)	840 copies
Reference Guide to the OSGR	110 copies
Blasting Safety Regulations	15 copies
First Aid Regulations	620 copies
Reference Guide to the First Aid Regulations	110 copies
Temporary Workplace Traffic Control Regulations	45 copies
WHMIS Regulations	625 copies
Reference Guide to the WHMIS Regulations	100 copies
Occupational Health Regulations	615 copies
Fall Protection & Scaffolding Regulations (FPSR)	625 copies
Reference Guide to FPSR	100 copies
Violence in the Workplace Regulations	620 copies
Reference Guide to the Violence in the Workplace Regulations	100 copies
Assessing the Risk of Workplace Violence	100 copies
Violence in the Workplace Prevention Guide 2nd Edition	20 copies
Violence in the Workplace Prevention Guide 3rd Edition	20 copies
Your Rights, Responsibilities and the OHS Act (mini)	20 copies
The Forest Professional	20 copies
"How To" Guide for OHS Policy and Program	2000 copies
Construction Project - JOHSC: A Practical Guide	100 copies
A Guide to WHMIS	25 copies
Reference Guide for WHMIS Regulations	10 copies

JOHSC: A Practical Guide for Single-Employer Workplaces	10 copies
Occupational Diving Regulations	800 copies
Guide to Preventing Violence, Robbery, Theft	1200 copies
Health and Safety Guide for New Retail Workers	520 copies
Process Safe: Handbook for Seafood Processing	100 copies
Appeal Panel Regulations	650 copies
Disclosure of Information Regulations	650 copies
Workplace Safety and Your Employee	100 copies
Administrative Penalties Pamphlet & Poster	5 copies

- the Division funded several publications related to best practices, including a reprint of the Forest Professional and the newly developed Fish Processing booklet

2. **Encourage positive health and safety attitude and behaviours**
   - the Division supported and participated at several occupational health and safety-related conferences and workshops including:
     - Threads of Life
     - Construction Association of Nova Scotia
     - Safety Services Nova Scotia
     - Nova Scotia Road Builders' Association
     - Nova Scotia Home Builders' Association
     - Engineering Survey Technicians of Nova Scotia
     - Nova Scotia Association of Health Organizations
   - the Division, through it's officers and staff, took advantage of many opportunities and invitations to deliver OHS presentations to individual businesses as well as organizations and conferences, many of which are identified above

3. **Increase compliance with legislative standards and the adoption of best practices**
   - the Division, through LWD, introduced the Administrative Penalties Regulations
   - the Division developed, distributed and otherwise communicated plain language guides and additional material to increase the understanding and expectations of the new Administration Penalties Regulations

4. **Improve health and safety outcomes**
   - the Division continues to work with its WSIS partners in order to achieve continuous improvement in safety outcomes
     - Participated in regular joint committee meetings involving the Division, WCB and HRSDC
     - Participated on the Heads of Agency committee comprising senior management of the Division, WCB and HRSDC
     - Participated in the WSIS semi-annual and annual general meetings

OHS Division Multi-Year Plan (Need to update)

2008/09	2009/10	2010/11	2011/12	2012/13
Ergonomics	Immigration & Non-permanent/ non-traditional workers (workers in precarious employment arrangements)	Working Alone	Compliance Promotion for Regulations	Supply chain operations
Education		New Workers	Mediums of Communication	Workplace Violence
Training		Ageing Workers	Occupational Health Regulations	OSGR
Research	Fall Protection and Scaffolding	Temporary Workplace Traffic Control Regulations		
Fall Protection and Scaffolding	Ergonomics			
WHMIS	Education			
IRS	Training			
LNG	Research			
Targeting	WHMIS			
	IRS			
	Targeting			

In addition to the specific priorities mentioned above, the Division:

- Implemented an internal Strategic Plan to address major operations within the Inspection and Compliance Section
- Continued to receive high scores in client satisfaction in the areas we currently survey
- participated in the development of national standards by:
  - serving on Canadian Standards Association technical committees (details herein)
  - serving on various inter-jurisdictional committees, such as the Canadian Association of Administrators of Labour Legislation and Representatives of the Atlantic Provinces

Progress on 2005 Divisional Priorities:

In July 2005, the Minister identified the Division's priorities for the next several years. The progress on those priorities as of March 31, 2010 is set out below. (Need to finalize this section)

Priority	Status	Comments
Repeal Radiation-Emitting Devices Regulations	Completed 2005/2006	
Create Governance and Accountability Framework for WSIS	Completed 2005/2006	Done in cooperation with WSIS partners
Diving Strategy	Completed 2006/2007	Strategy completed, including: • province-wide education sessions • training enabled through partners • guidance and plain language documents • regulations
Create strategy to address workplace violence	Completed 2007/2008	Strategy completed, including: • province-wide education sessions • social marketing • guidance and plain language documents • codes of practice • regulations
General Blasting Regulations	Completed 2007/2008	Review of technical regulations completed and blaster certification transferred to Apprenticeship Training and Skill Development Division
Add high hazard offences as Summary Offence Tickets	Completed 2007/2008	Department of Justice advises that the wording of the current regulations precludes the creation of Summary Offence Tickets. SOTs will be considered as each regulation is updated and wording is changed.
Create strategy to promote the Internal Responsibility System	2006 -	Discussion paper issued and comments gathered. Strategy being finalized.
Underground Mining Regulations	Completed 2008/2009	Regulations passed.

Priority	Status	Comments
Create strategy to address Liquified Natural Gas Regulations	Completed 2008/2009	Regulations being combined with a larger review of the Occupational Safety General Regulations.
Create appropriate OHS regime in the offshore area	2000 -	Negotiations with the federal government and Newfoundland and Labrador continue.
Create strategy to address ergonomic injuries	2003 -	Created self-help documents Collaborated on WCB on ergonomics booklet
Create strategy to address chemical and physical agent exposure	2003 -	Participated in efforts to update WHMIS laws to harmonize with the Globally Harmonized System
Create strategy to address falls from heights	Completed 2009/2010	Working group submitted recommended changes to the FPSR. Recommendations have been for legal drafting.

Progress on 2009/2010 Labour and Workforce Development Business Plan Priorities:

In 2009/2010, the Division was also assigned priorities within the larger Department of Labour and Workforce Development Business Plan.

In response to the strategic priorities, the Division identified specific administrative and operational priorities for 2009/2010 which include:

Strategic Priorities (4-Year Plan)

- Through programs and learning opportunities, encourage individuals to adopt and practice a culture of safety at work, at home and within their community.
- Improve compliance through education, inspections and strategic action to protect Nova Scotians and their communities.

1. **Implement administrative tools to enhance compliance with occupational health and safety measures.**
   - The Division conducted targeted inspection activities throughout the province, focusing largely on high-risk industry sectors, including healthcare and manufacturing.
   - An inspection "blitz" was conducted in the healthcare sector across the province to help encourage and enforce compliance to the Violence Regulations. Of the workplaces inspected, approximately 40% were in compliance with the aforementioned regulations. Compliance Orders were issued to ensure non-compliance issues are remedied.
   - The Administrative Penalties Regulations were effective on January 15, 2010. This regulation is another tool to help encourage compliance to OHS legislation.
   - Presentations were conducted by Division staff at workplaces and safety conferences on topic items including:
     - Administrative Penalties
     - Internal Responsibility System
     - Rights and Responsibilities
     - Role of the JOHS Committee
     - Role of the OHS Division
   - In an effort to promote awareness of risks and hazards, the Division prepared, and circulated through the website, three (3) hazard alerts, specifically relating to:
     - Magnetic Resonance Imaging (August 2009)
     - Manure Pits (January 2010)
     - Solvents, Thinners and Flammables (January 2010)
   - The Division commenced a project to provide a new (Internet) online tool for clients and the public to search Frequently Asked Questions (FAQs) relative to NS OHS legislation. The project will be completed and implemented in 2010/11.
   - Amendments to the OHS Act were approved in 2010 requiring all Discriminatory Action appeals to be forwarded directly to the Appeal Panel, rather to the Director.
   - The Regulatory Review sub-committee of the Advisory Council conducted a comprehensive review of the Fall Protection and Scaffolding Regulations and made

numerous recommendations for changes that should, if subsequently approved, provide more clarity and an increased understanding of the requirements, thus resulting in greater compliance.

2. **Provide new temporary foreign workers with health and safety information in a variety of languages.**
   - In consultation with Communications Nova Scotia, the Division prepared and circulated multi-language (pocket-style) cards explaining Employee Rights and Responsibilities as required by the OHS Act.
   - The Division introduced a new phone tree system that allows callers to gain services in English, French and Spanish. There was one call received by the Division whereby a French-language message was left by the caller. There were no Spanish-language messages.

3. **Work in partnership with the Workplace Safety and Insurance System (WSIS) to inform injured workers and those on Workers' Compensation Board benefits of the retraining programs and opportunities that are available throughout the province.**
   - The Division participated on several WSIS committees, including:
     - Heads of Agency (comprising Division Heads from LWD, WCB, HRDC)
       - review recommendations from the Joint Committee and the Stakeholder Liason Committee
       - report to, and make recommendations to, the Coordinating Committee (comprising the Deputy Minister of LWD and Chairperson of the WCB)
     - Joint Committee (comprising key staff from LWD, WCB, HRDC). Priority topics include:
       - Education
       - Targeting
       - Internal Responsibility System
       - Education
     - Stakeholder Liason Committee (comprising key staff from LWD, WCB, WAP, Injured Workers' Association(s), OHS Advisory Council)
       - Make recommendations on OHS matters and priorities to Heads of Agency Committee
     - Issues Resolution Committee (comprising key staff from the WSIS partners)
   - The Division also attended and participated at the WSIS semi-annual stakeholder meeting, as well as the WSIS Annual General Meeting

4. **In partnership with the Department of Education, implement a pilot program that will provide occupational health and safety training to Grade 9 students in the province.**
   - This program has been implemented as part of the compulsory Healthy Living Program. Positive feedback has been received. It is anticipated that the training will expand to the senior high school grades as well.

Compliance by the Division

The Act and regulations establish several requirements on the Division. In all cases where the requirement was triggered, the Division met the requirement.

Compliance by Outside Organizations

Compliance by outside organizations that are required to comply with the Act is statistically monitored, primarily, through an IRS Checklist which is administered during certain categories of inspections. The IRS checklist results reveal the following summary statistics.[1] Appendix B has a detailed listing of the checklist findings.

Internal Responsibility System Measure	% Meeting New Standard			% Meeting Previous Standard (Data for firms with 20 or more employees only)		
	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2006/ 2006	2004/ 2005
OHS policy and program issues	79.4%	71.3%	68.8%	74%	52%	68%
JOHSC issues	77.1%	67.1%	62.2%	74%	49%	71%
Communication and information	70.5%	59.0%	58.5%	73%	48%	69%
Training	73.7%	63.3%	57.5%	No equivalent questions in previous checklist		
Records	75.8%	69.0%	65.6%			

There were improvements experienced by the Division in all above-measured categories. As shown in Appendix B, 21 of the 27 indicators (representing 78%) show an improvement from the previously measured year. However, it is important to note that the Division has implemented an inspection targeting system that directs the inspections toward organizations with higher accident rates. Thus:

- the above results are not necessarily indicative of the "average" situation experienced with all Nova Scotia workplaces, and
- as a result of inspection targeting, the results are most likely biased[2] to under-report actual average conformity with the elements of the IRS.

[1] Note that, with the implementation of the Activity Tracking System in 2007/2008, the questions used on the IRS checklist changed. Thus, while data from previous years is presented here, comparisons must be made with caution.

[2] The size of the bias is unknown.

Review of Performance Measures

The Division measures its performance in four ways:

1. Outcomes and outcome measures established for the Division in the Department's Business Plan
2. Outcomes and outcome measures established for the Division through the WSIS process
3. Compliance with our Quality Management System Objectives
4. Client satisfaction surveys

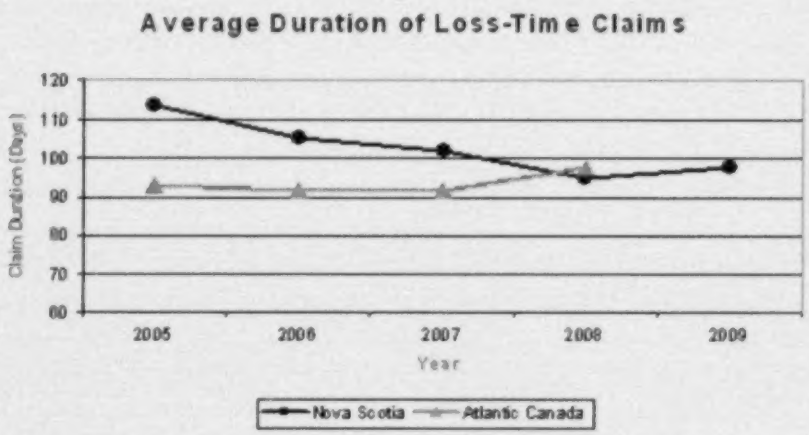
(Note: The below sections report on each of these performance measures.)

Business Plan Performance Measures

The Division is accountable for meeting the outcomes and measures noted in the Department's 2009/2010 LWD Business Plan, as highlighted and reported on below. Appendix C gives details for the below two measures.

Measure Average duration of Workers' Compensation lost-time claims compared to the Atlantic Canada average.

LWD Target = maintain or decrease the average number of compensable days relative to the Atlantic Canada average.



Data:

	2005	2006	2007	2008	2009
Nova Scotia	114	105	102	95	98
Atlantic Canada	93	91.74	91.8	97.52	**N/A**

Note: Data not available for Atlantic Canada or Canada for calendar year 2009.

Description of Target, Trend, Comparison/Benchmark:

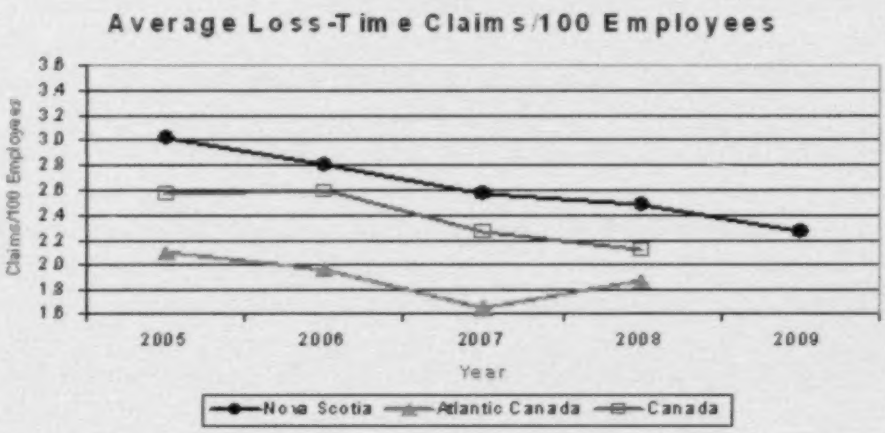
The target to reduce loss-time claims was met in 2008 relative to Atlantic Canada, although there was a slight increase in 2009 in comparison to 2008.

Strategies to Achieve Target:

- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OHS promotion and education
- continue to develop a targeted risk-based inspection system which reflects claim duration

Measure — Annual average number of new registered WCB loss time claims per hundred estimated WCB registered employees compared to the Atlantic Canada and national averages

LWD Target = maintain or decrease the number of WCB loss time claims compared with the national average



Data:

	2005	2006	2007	2008	2009
Nova Scotia	3.03	2.8	2.57	2.48	2.26
Atlantic Canada	2.1	1.96	1.66	1.86	N/A
Canada	2.57	2.6	2.26	2.12	N/A

Note: Data not available for Atlantic Canada or Canada for calendar year 2009.

Description of Target, Trend, Comparison/Benchmark:

The target is to maintain or decrease the number of WCB loss time claims compared with the national average. On a positive note, Nova Scotia continued a decline in the injury rate. However, due to the unavailability of comparable data, no comments can be made on Nova Scotia's recent performance relative to other jurisdictions.

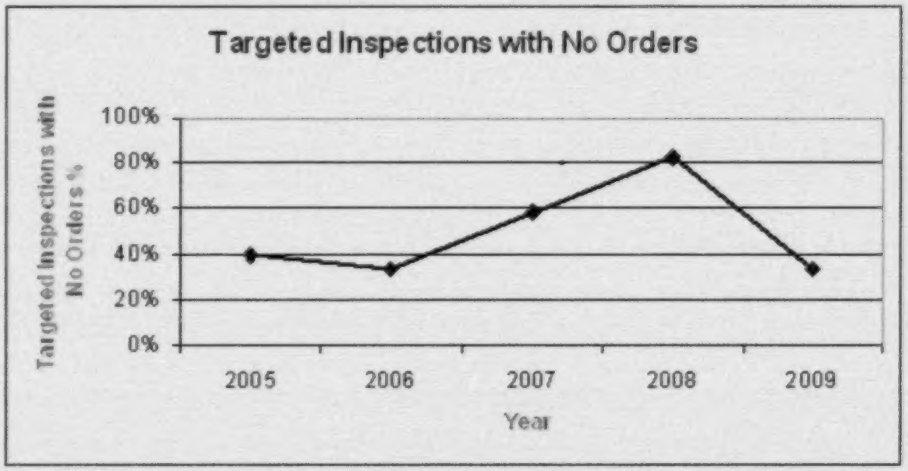
Strategies to Achieve Target:

- work with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OHS promotion and education
- continue to develop a targeted risk-based inspection system which reflects claim frequency

Targeted Inspections where No Orders are Issued

Annual percentage of targeted inspections where an OHS order is not issued

Division Target = percentage of inspections without orders must be less than the 5-year running average



Data:

2005	2006	2007	2008	2009	5 yr Avg.
40.0%	33.5%	59.0%	82.5%	34.2%	49.8%

Description of Target, Trend, Comparison/Benchmark:

To meet the annual target, the percentage of inspections without orders must be less than the 5-year running average. For 2009, the target is <49.8%. The Division surpassed this benchmark in 2009, having realized 34.2%.

This measure assumes that a lower number of orders issued per each target inspection means higher compliance levels. Unfortunately, this measure is not necessarily indicative of an increase in compliance due to the subjective nature of the process. Specifically, one officer may render a decision to issue an order for a given situation, while another officer may decide on an alternative response.

Strategies to Achieve Target:

- update and implement the strategic planning and targeted inspection activities
- work closely with the WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OHS promotion and education
- continue to develop a targeted risk-based inspection system
- provide self-help resources to workplaces to improve compliance

Quality Management System Objectives and Targets

Quality Objective	What We Measured	Target	2009/ 2010	2008/ 2009	2007- 2008	2006- 2007
Ensure client satisfaction	1. Average client satisfaction based on requested feedback from clients on the Division's services and products, such as publications and inspection surveys	75%	94%	85%	85%	89%
	2. Requests for service (complaints) recorded in the ATS will be closed within 7 calendar days from receiving them	70%	55%	43%	N/A	84%
	3. Written complaints against staff	<10	3	8	1	2
Ensure consistency	4a. Inspection Reports submitted to managers will be reviewed and compared to the Officer File Review Form. 4b. Inspection reports will meet the formatting criteria	a. 10% b. 70%	a. N/A b. N/A	a. 28% b. 91%	a. 5% b. 75%	a. 10% b. 83%
	5. Major investigation files (those that result in a long form report) received by managers will meet the proper format when initially submitted	80%	N/A	N/A	58%	55%
Ensure timeliness	6. Work refusal investigations will be completed with a decision made in 10 calendar days from the beginning of the investigation	80%	100%	97%	67%	100%
	7. Compliance orders will be complied with within the time frame specified in the order (includes extensions)	80%	63%	65%	58%	56%
	8. Major (excluding prosecutions) investigation files (those that result in a long form report) will be submitted to managers within 6 months from the time of the original incident	80%*	N/A	N/A	55%	47%
	9. Appeals to the Director will be decided within 6 months	80%	88%	75%	44%	40%
	10. Drafts for publications (excluding laws) will be completed within one month of the start date.	80%	83%	71%	20%	13%
Ensure effectiveness and efficiency	11. Orders appealed to the Director are upheld (where the Director has made a decision based on the merits of an order)	80%	75%	50%	89%	75%
	12. Success rate in prosecutions = Guilty Verdicts / (Total Guilty + Not Guilty Verdicts). This measure does not consider plea arrangements whereby individual charges are dropped by the Crown or dismissed by the Court in favour of a Guilty plea.	60%*	91%	82%	100%	100%
	13. Investigation files will result in a Hazard Alert being issued	20%	3%	0.1%	1%	0%
	14. .Mandatory training for employees working in the Division for 12 months or more (includes retraining)	80%	N/A	35%	18%	35%
	15. Documents (excluding laws) prepared by the Division for public use will be at or below the Grade 9 reading level	80%*	49%	43%	60%	64%

* Measurement to be reviewed in 2010/11

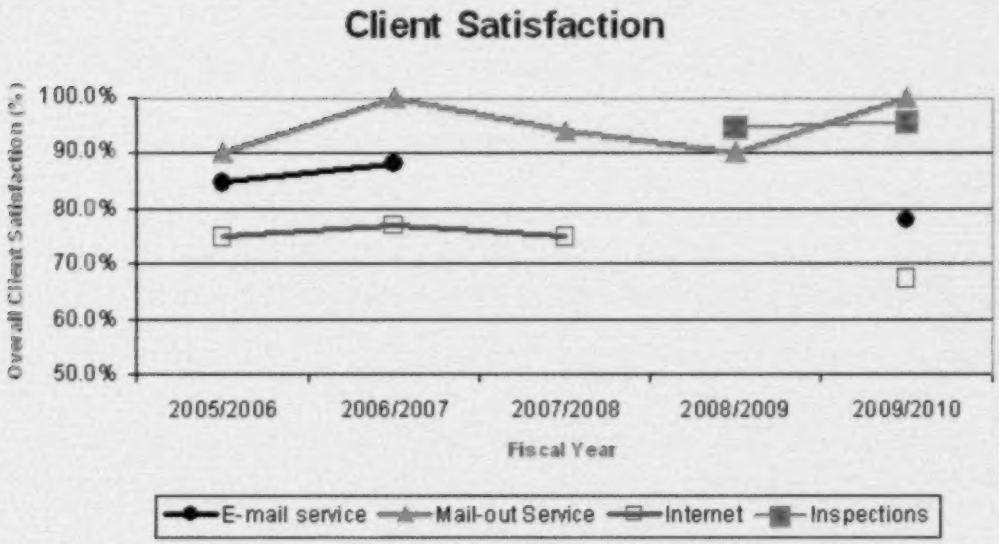
N/A = Data is not available.

Client Satisfaction

The Division measured client satisfaction for four services:

1. E-mail Question Service (whereby clients may send e-mails to the Division with questions on OHS laws and receive an e-mailed answer)
2. Publications mail-out service
3. Internet
4. Inspection activities

The current surveys gave the results below.



(Note: Appendix D shows the details of the client satisfaction measures. Due to previous operational issues, some e-mail and Internet satisfaction data for earlier years is unavailable.)

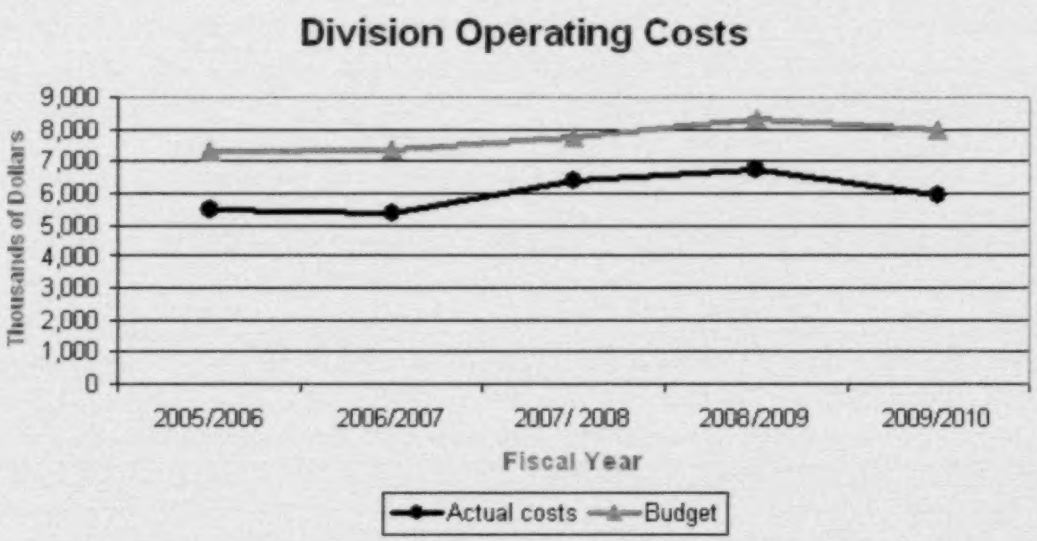
Outcomes and Outcome Measures Established Through the WSIS Process

The WSIS process establishes performance measures for its member agencies. These are reported in full in the 2009 WSIS Year End Report.

The measures relevant to the Division are already covered in previous performance measure sections, except for Stakeholder Awareness of Importance of OHS, which is highlighted below.

Review of Divisional Operations

Financial Highlights



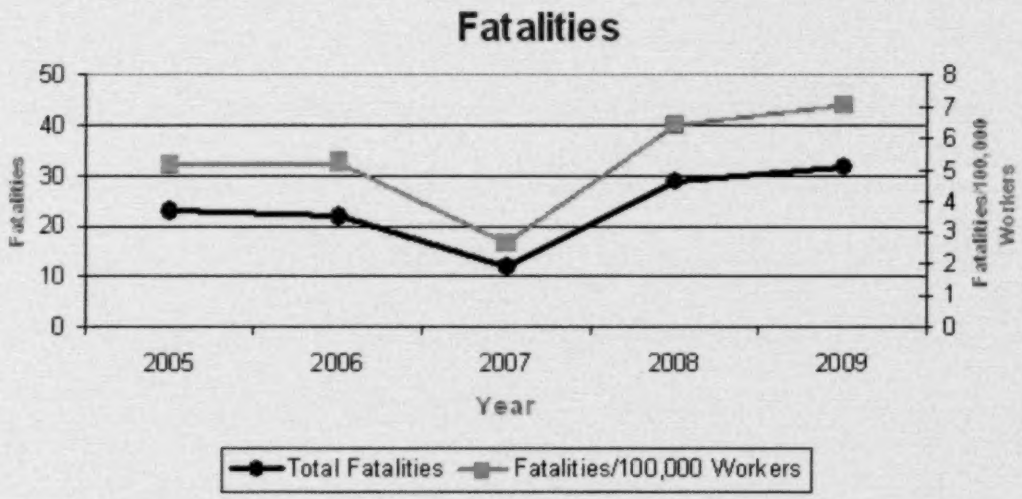
	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Total Costs (actual $000)	5,971	6,727	6,381	5,361	5,475
Budget	7,974	8,299	7,732	7,357	7,309

The Division's revenue came from two major sources - a statutory transfer from the WCB and an amount from the Government's general funds.

As a result of sentencing by the Court, $2000 was directed to the Minister of Labour and Workforce Development Public Education Trust Fund.

Appendix E lists major funding contributions made by the Division.

Fatality Statistics



Description	Annual Data (calendar year)					5 Year Average
	2009	2008	2007	2006	2005	
*Fatalities Recorded During the Year	32	29	12	23	23	24
Number of Fatalities Reported per 100,000 Employees**	7.06	6.40	2.68	5.21	5.14	5.30

* A workplace fatality is counted by the Division where all of the following are met:

1. The injury that caused the fatality occurred at a place that meets the definition of a 'workplace'.
2. At the time of the injury that caused the fatality, the deceased was:
   a. an employee of an organization,
   b. a self-employed person, or
   c. neither an employee nor a self-employed person but who, at the time of the fatality, was contributing to work at the workplace

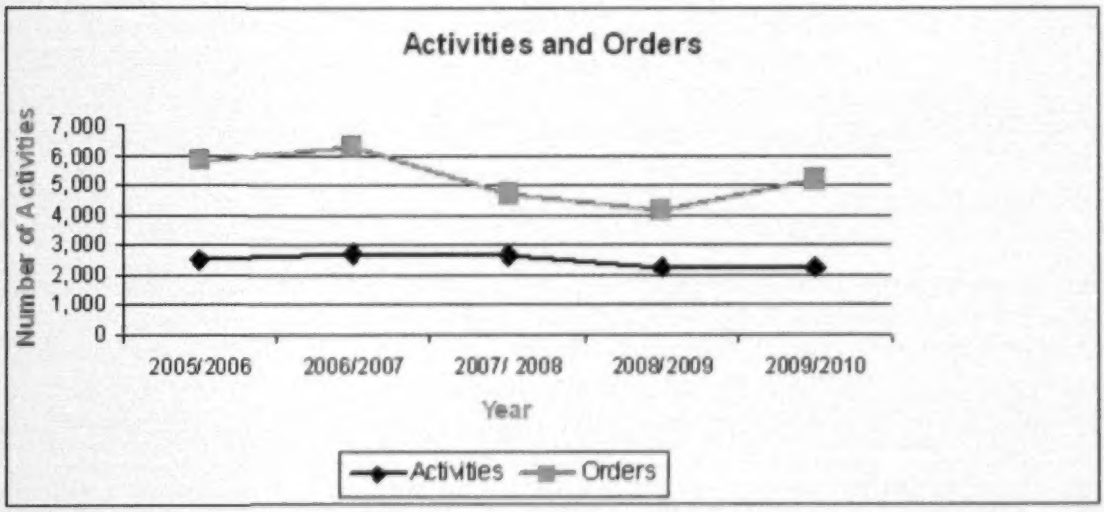
3. The injury that caused the fatality occurred:
   a. within the physical boundaries of Nova Scotia, or
   b. occurred outside the physical boundaries of Nova Scotia and involved an employee of an organization or a self-employed person governed by the NS OHS legislation at the time of the injury that caused the fatality.

** Employment data from Statistics Canada

Key Divisional Activity Statistics

The below graph presents the number of activities undertaken, as well as orders issued, by the Division. Appendix F gives more detailed statistics, including breakdowns of:

2. Breakdown of activities by type
3. Breakdown of orders by law
4. Activities by Standard Industrial Classification
5. Complaint inspections by Standard Industrial Classification
6. Targeted inspections by Standard Industrial Classification
7. Orders by Standard Industrial Classification
8. Ratio of Activities to Orders by Standard Industrial Classification.

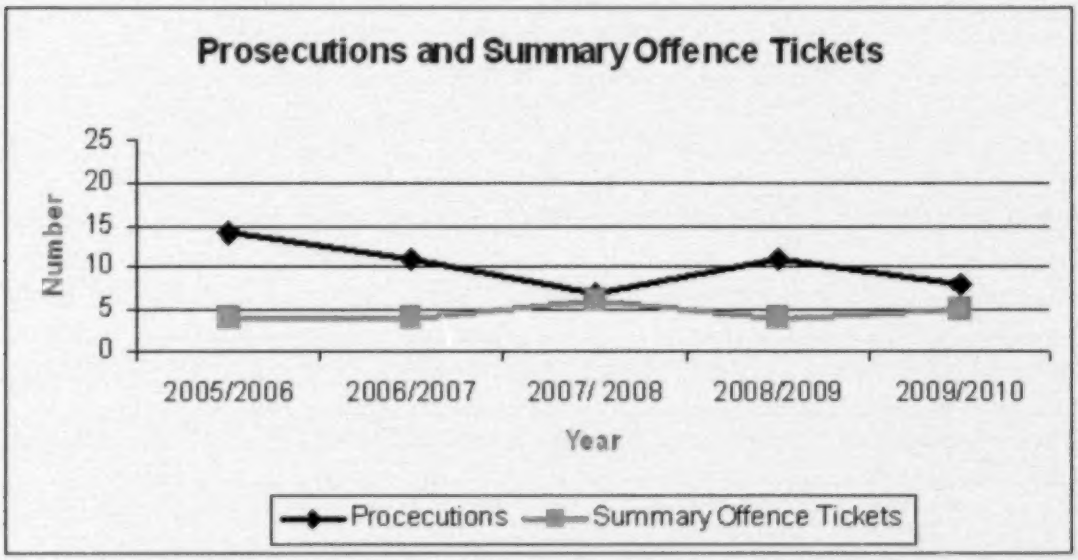


Data:

	2005/2006	2006/2007	2007/ 2008	2008/2009	2009/2010
Activities	2,566	2,719	2,678	2,297	2,259
Orders	5,819	6,296	4,732	4,189	5,204

Prosecution Activity

The below graph gives the number of prosecution activities undertaken by the Division. Appendix G gives detailed statistics on cases decided.



Data:

	2005/2006	2006/2007	2007/ 2008	2008/2009	2009/2010
Full-Form Prosecutions Initiated	14	11	7	11	8
Summary Offence Tickets Issued	4	4	6	4	5

Administrative Penalty Statistics

The Administrative Penalties Regulations came into effect on January 15, 2010. The table below itemizes the number of Administrative Penalties issued and Appeals filed as of that date.

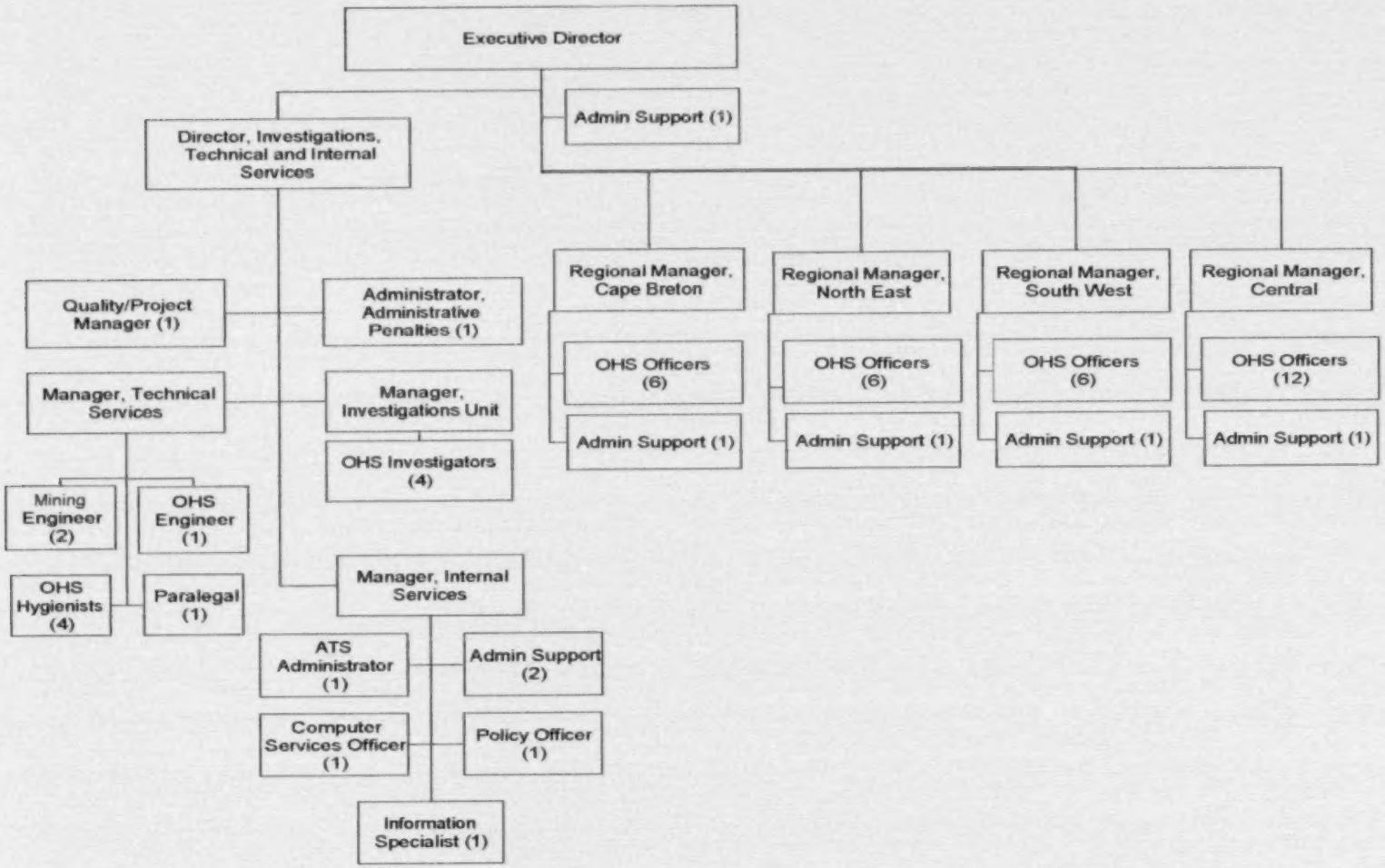
Region	Number of Administrative Penalties Issued (Jan 15 - Mar 31, 2010)	Percentage By Region/Section (Penalties Issued)	Number of Appeals
Cape Breton	6	8%	4
Central	52	72%	13
Northeast	4	6%	0
Southwest	3	4%	0
Technical Services	7	10%	1
Total	**72**	**100%**	**17**

Penalties Issued By Class of Person and By Region

Class of Person	Cape Breton	Central	Northeast	Southwest	Technical Services	Total
Architect	0	0	0	0	0	**0**
Constructor	0	0	0	0	0	**0**
Contractor	0	0	0	0	0	**0**
Employee	0	0	0	1	0	**1**
Employer	6	51	4	2	7	**70**
Professional Engineer	0	0	0	0	0	**0**
Provider of OHS Service	0	0	0	0	0	**0**
Self-employed Person	0	0	0	0	0	**0**
Supervisor (Employee)	0	1	0	0	0	**1**
Supplier	0	0	0	0	0	**0**
Total	**6**	**52**	**4**	**3**	**7**	**72**

Appendix A - Organizational Chart for the Division

As of March 31, 2009



Appendix B - Details of Internal Responsibility Checklists

Category	Description	%Yes			Average % Yes for Category		
		2009/ 2010	2008/ 2009	2007/ 2008	2009/ 2010	2008/ 2009	2007/ 2008
OHS policy and program issues	OHS Policy developed	78.2%	68.1%	68.1%	79.4%	71.3%	68.9%
	OHS Program established	80.6%	72.4%	72.4%			
	Procedures established	84.1%	71.8%	71.8%			
	Reporting hazards provision	82.5%	71.2%	71.2%			
	Emergency Procedure	80.7%	70.6%	70.6%			
	Policy & procedures	84.0%	71.1%	71.1%			
	Hazard ID System	78.6%	65.8%	65.8%			
	Monitor hazards	77.2%	67.2%	67.2%			
	Review policy/procedures	68.5%	61.6%	61.6%			
JOHSC issues	JOHSC composition	87.4%	70.5%	70.5%	77.1%	67.1%	62.2%
	Worker JOHSC attendance	84.1%	60.2%	60.2%			
	JOHSC established	88.6%	71.0%	71.0%			
	Health & Safety Representative	55.8%	50.1%	50.1%			
	JOHSC rules of procedures	69.7%	59.2%	59.2%			
Communication and information	OHS Policy posted	68.3%	62.3%	62.3%	70.5%	59.0%	58.5%
	OHS Act posted	62.6%	57.1%	57.1%			
	Division Number Posted	65.8%	57.3%	57.3%			
	JOHSC Minutes posted	74.7%	59.3%	59.3%			
	Rights/Resp posted	71.1%	56.0%	56.0%			
	Regulations available	68.4%	58.3%	58.3%			
	Orders displayed	74.6%	57.2%	57.2%			
	JOHSC members displayed	78.6%	60.6%	60.6%			
Training	Training Plan documented	77.5%	64.1%	64.1%	73.7%	63.4%	57.5%
	JOHSC trained	69.9%	50.9%	50.9%			
Records	Hazard Materials list	69.6%	62.3%	62.3%	75.8%	69.0%	65.6%
	JOHSC records maintained	82.0%	67.4%	67.4%			
	Maintain records & stats	75.7%	67.2%	67.2%			

Appendix C - Details of 2009/2010 LWD Business Plan Performance Measures

Measure:	Average five-year composite duration of Workers' Compensation lost-time claim compared to the Atlantic Canada and national averages

Definition of Measure:

- The Workers' Compensation Board compiles accident duration data and number of accident claims. Each jurisdiction submits its statistics to a national association the Association of Workers' Compensation Board of Canada (AWCBC) who publishes comparative data based on the submitted information.
- Definition
  The estimated total number of calendar days compensated for short-term disability over the first five calendar years of duration/lifetime of a typical lost-time claim if current conditions are continued for the future years. Short-term disability benefits are all income benefits during the initial period after the injury, before the injury has stabilized, plateaued or consolidated.
- Calculation
  The composite method is the days paid in the reference year for each accident year, divided by the number of lost-time claims of the corresponding accident year, then the results are added together for the designated number of years. All short-term disability benefits related to income loss including rehabilitation benefits are included up to the point where long-term disability benefits commence. The current year plus four prior accident years are to be used in the calculation.

a = total number of compensable days paid for all compensable time loss claims in a given year
b = total number of time loss claims filed in a given year

Measure (days) $= (a_{(year)}/b_{(year)} + a_{(year-1)}/b_{(year-1)} + a_{(year-2)}/b_{(year-2)} + a_{(year-3)}/b_{(year-3)} + a_{(year-4)}/b_{(year-4)})$

Target = maintain or decrease the average number of compensable days relative to the Atlantic Canada average

Rationale for Selecting Measure:

- LWD works with employers and employees to promote compliance with a legislative framework that is reflective of current workplace standards. By creating safe and healthy work environments, we minimize workplace hazards and risk, which reduces the likelihood of accidents resulting in workers compensation claims. This measure provides a system measure of injury severity, based on the assumption that the longer a worker is receiving benefits, the more severe the injury. It is important to note that claim duration may be influenced by factors other than severity of injury. Injury severity is a WCB system cost driver and is related to the effectiveness of return to work efforts and disability management. This measure tries to reflect the number of days lost from work.

Annual Data: (calendar year)	2005	2006	2007	2008	2009
Nova Scotia	114.0	105.0	102.0	95.0	98.0
Atlantic Canada	93.0	91.7	91.8	97.5	N/A
Canada	67.4	67.7	N/A	N/A	N/A

Description of Target, Trend, Comparison/Benchmark:
The target is calculated annually, based on the Atlantic Canada average number of compensable days. To meet the target in 2005, the five-year composite number of compensable days for all time loss claims in Nova Scotia must be equal to or less than the Atlantic Canada average.

The national average includes only those jurisdictions that report on the measure to the Association of Workers' Compensation Boards of Canada, from which this data comes.

Strategies to Achieve Target:
- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OHS promotion and education
- continue to develop a targeted risk-based inspection system which reflects claim duration.

Other Comments:
The Division operates on a targeted inspection system which is based on industry risks, accident rates and past experiences with an employer. The targeting criteria is designed by the WCB and is intended to take officers to work sites that are problematic and have an above average record of accidents and costs.

Measure:	Annual average number of new registered WCB loss time claims per hundred estimated WCB registered employees compared to the Atlantic Canada and national averages

Definition of Measure:

- The WCB compiles statistics related to accident numbers. Each jurisdiction submits its statistics to a national association the Association of Workers' Compensation Board of Canada (AWCBC) who publishes comparative data based on the submitted information.
- **Definition**
  Number of new lost-time claims for assessable employers per 100 workers of assessable employers.
- **Calculation**
  a = total number of new lost-time claims for assessable employers
  b = estimated number of workers of assessable employers or self-employed workers opting for coverage. The reliability of the injury frequency is subject to limitations of its denominator, described in the calculation of the percentage of workforce covered.

Measure (claims /100 WCB covered employees) = 100 x (a/b)

Target = maintain or decrease the number of WCB loss time claims compared with the national average

Rationale for Selecting Measure:

To measure the risk of workplace injury for workers in each jurisdiction in terms of the proportion of workers who suffer a lost-time work injury.

The average number of registered WCB loss time claims per hundred employees reflects the number of workplace accidents occurring in WCB covered work sites. The measure allows government to monitor trends.

Data: (calendar year)	2005	2006	2007	2008	2009
Nova Scotia	3.0	2.8	2.6	2.5	2.2
Atlantic Canada	2.1	2.0	1.7	1.9	N/A
Canada	2.6	2.6	2.3	2.1	N/A

Description of Target, Trend, Comparison/Benchmark:
The target is revised annually, based on the data reported by all Canadian jurisdictions. To meet the target the number of registered WCB claims per 100 employees must be equal to or less than the national average.

Nova Scotia continued a 3-year decline in the injury rate. Due to the time lag for data to which compare Nova Scotia's recent performance, no comment is made on comparisons.

Strategies to Achieve Target:
- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OHS promotion and education
- continue to develop a targeted risk-based inspection system which reflects claim frequency.

Other Comments:
The Division operates on a targeted inspection system which is based on industry risks, accident rates and past experiences with an employer. The targeting criteria is designed by the WCB and is intended to take officers to work sites that are problematic and have an above average record of accidents and costs.

Measure:	Annual percentage of targeted inspections where an OHS order is not issued

Definition of Measure:

- The OHS inspection system targets firms with accident experience and costs that are higher than the average for their industry sector.
- The measure is intended to identify the percentage of targeted employers who are inspected and do not receive an order as a result of that inspection, indicating that they are complying with the provisions of the occupational health and safety laws.

a = number of OHS targeted inspections in the calendar year
b = number of OHS targeted inspections for which no orders were issued

Measure (%) = 100 x (b/a) Target = increase the percentage from the base year measure

Rationale for Selecting Measure:

DEL promotes compliance with OHS laws that reflect current workplace standards. Workplace inspections provide an opportunity to ensure compliance with these laws. If an officer finds a workplace is not in compliance with the laws, an order will be issued. Tracking the total number of targeted inspections where an order is not issued helps provide a picture of compliance levels within these targeted workplaces. From this measure the department can monitor trends in compliance levels.

Data: (calendar year)*	2005	2006	2007	2008	2009	
Nova Scotia	40%	33.5%	59.0%	82.5%	34.2%	

Description of Target, Trend, Comparison/Benchmark:
To meet the annual target, the percentage of inspections without orders must be greater than the base year measure of 43.5% (2001). The OHS Division's inspection activity continues to report, based on this measure, the failure of targeted workplaces to be in compliance with the regulated standards.

Strategies to Achieve Target:
- work closely with WCB, through WSIS, to identify high accident firms, sectors and type of accidents
- work with the WCB, through WSIS, to increase OHS promotion and education
- continue to develop a targeted risk-based inspection system
- provide self-help resources to workplaces to improve compliance

Other Comments:
The Division operates on a targeted inspection system which is based on industry risks, accident rates and past experiences with an employer. The targeting process is based on WCB data and is intended to take officers to work sites that are problematic and have an above average record of accidents and costs.

Appendix D - Details of Client Satisfaction Surveys

E-Mail Question Service Client Satisfaction

Question	Percent of maximum score				
	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
The information answered my question.	73.3	N/A	N/A	85.33	81.8
The information was clear, concise and understandable.	73.3	N/A	N/A	85.33	82.4
The information was received within an acceptable time frame.	80.0	N/A	N/A	90.67	90.5
You are pleased with the service you received.	84.4	N/A	N/A	90.67	83.8
Average	**77.8**	**N/A**	**N/A**	**88.0**	**84.6**

Publications Mail-Out Service Client Satisfaction:

Question	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Material received within an acceptable time (% Yes)	100	98	100	100	96
Correct material received (% Yes)	100	98	100	100	68
Friendliness (1-5 scale)	4.6	4.5	4.7	5.0	4.6
Laws well-written (1-5 scale)	3.8	3.5	4.4	4.0	3.9
Laws interesting (1-5 scale)	3.4	3.0	3.0	3.4	3.6
Other material well-written (1-5 scale)	4.1	3.9	4.4	4.6	3.6
Other material interesting (1-5 scale)	3.7	3.4	4.2	4.4	3.4
Overall satisfaction (1-5 scale)	4.7	4.5	4.7	5.0	4.5
% respondents self-identified as "Management"	77%	70%	-	60%	32%
% respondents self-identified as "JOHSC members"	60%	51%	-	60%	61%

- Result not available.
1 = Worst 5 = Best

Internet Satisfaction

Question	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
How would you rate the site navigation?	70%	N/A	73%	71%	65 %
How would you rate the site's visual appeal	73%	N/A	75%	71%	66 %
How would you rate the ability to find what you want quickly?	60%	N/A	66%	64%	41 %
How would you rate the site's search abilities?	53%	N/A	50%	67%	50 %
How would you rate the site's overall usefulness?	80%	N/A	75%	77%	75 %

Inspection Survey Results

Questions	Percentage Satisfaction	
	2009 / 2010	2008 / 2009 (Jan - Mar only)
1. Explained the inspection process	98	98
2. Explained Act and regulations	98	96
3. Satisfactorily answered my questions	90.7	95.4
4. Encouraged me to give input and feedback	94.6	89.7
5. Inspection Report was understandable	97.9	91.7
6. Officer was professional throughout the inspection	97.5	100
7. Inspection overall helped to improve health and safety	93.3	100
8. Order was clear as to what was needed to comply	97.5	90.3
9. Order allowed proper length of time to comply	96.1	90.3
Average	**95.9**	**94.6**

Improve Response to Client Requests for Service

In addition to surveys, the Division monitors the time required to respond to a complaint or an incident as a measure of client satisfaction. This parameter is measured through the length of time before the initial investigation of a complaint or incident by an OHS officer. The length of time before the initial investigation of complaints or incidents by an OHS officer is as follows:

Categories	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Number of complaints/incidents received	929	912	1,313	1,370	1,181
Average number of days between receipt of complaint/incident and start of inspection/investigation (if one is conducted)	8.1	8.5	14.8	7.9	8.75
Number of complaints/incidents for which no follow-up inspection was performed*	31**	234	381	272	238

* While it is standard procedure for the Division to follow-up on all complaints and incidents, there are some for which this is not appropriate or possible. Such complaints and incidents that may not receive a direct response or a site visit includes:

1) operation that was the subject of the complaint or incident is transient and was no longer in existence by the time an officer could investigate
2) complainant gives incorrect information which does not allow the operation that was the subject of the complaint or incident to be identified
3) the operation that was the subject of the complaint or incident or the matter complained of is within the jurisdiction of - i) the federal government
   ii) the Labour Standards Division
   iii) other government agency

In such cases, the complaint or incident is referred to the appropriate agency for follow-up.

** This reflects that all complaints/incidents are entered into our Activity Tracking System (ATS) as an Inspection or Investigation. Some complaints are completed in office (i.e., by the Information Specialist) with no need for an officer to respond.

Appendix E - Major Funding Contributions

Canadian Centre for Occupational Health and Safety
Canadian Centre for Occupational Health and Safety (CCOHS) is a Canadian federal government agency based in Hamilton, Ontario. It supports the vision of eliminating all Canadian work-related illnesses and injuries. As in past years, the Division contributed with other Canadian jurisdictions on a per capita basis to maintain the free Inquiry Service operated by the CCOHS.

Canadian Standards Association
Canadian Standards Association is a not-for-profit membership-based association serving business, industry, government and consumers in Canada and the global marketplace. As in past years, the Division contributed with other Canadian jurisdictions on a per capita basis to develop a series of occupational health and safety-related standards.

Safety Services Nova Scotia
Safety Services Nova Scotia (formerly called the Nova Scotia Safety Council) was founded in 1958, under the name "The Nova Scotia Highway Safety Council", as a private, non-profit, non-government organization, its mission is to make safety and health a way of life and to be the centre of excellence for safety and health. As in past years, the Division contributed base funding to allow SSNS to offer its annual conference.

Nova Scotia Construction Safety Association
Nova Scotia Construction Safety Association received a grant from the Minister of Labour and Workforce Development OHS Public Education Trust Fund.

St. John Ambulance Canada
St. John Ambulance Canada received a grant from the Minister of Labour and Workforce Development OHS Public Education Trust Fund.

Day of Mourning
The national Day of Mourning recognizes each April 28 as a day of reflection for people who have been injured or died at work. Again this year, the Province hosted the annual ceremony and reception at Province House.

North America Occupational Safety and Health Week
North American Occupational Safety and Health (NAOSH) Week is an annual event to draw attention to workplace health and safety. This year, the OHS Division provided some funding and support to the events planned throughout the province.

Underground Coal Mining Safety Research Consortium
The Underground Coal Mining Safety Research Consortium funds health and safety-related research projects aimed at reducing incidents of all types at Canadian underground coal mines.

Nova Scotia Crime Stoppers Association
Nova Scotia Crime Stoppers Association received a grant from the Minister of Labour and Workforce Development OHS Public Education Trust Fund.

Threads of Life
Threads of Life received a grant from the Minister of Labour and Workforce Development OHS Public Education Trust Fund.

Appendix F - Details of Divisional Activities

Tracked Activities

Tracked Activity	2009/2010	2008/2009	2007/2008	2006/2007	2005/2006
Division Field Activities					
Fatalities Investigated	32	29	12	10	16
Work Refusals Investigated	34	265	16	13	17
Inspections Coded Under Old System					
General Inspections	-	-	-	697	861
Targeted Inspections	-	-	-	363	201
Joint Inspections	-	-	-	2	3
Re-Inspections	-	-	-	348	347
Inspections Coded Under New Activities Tracking System					
Ad Hoc Inspections	398	356	879	-	-
Client Request	41	55	1	-	-
External Request	7	7	14	-	-
Internal Request	11	2	2	-	-
Re-Inspections	96	97	143	-	-
Targeted Inspections	395	282	266	-	-
Complaints Investigated	929	912	931	958	800
Incidents Investigated	282	200	370	284	286
Discriminatory Action Complaints	34	92	44	44	35
Total Field Activities	2,259	2,297	2,678	2,719	2,566
Field Staff Full-time Equivalents Available	25.0	25.0	31.0	29.8	30.0
Field Activities per Officer	90	92	86	91	86
Appeals					
Appeals of Officer Decisions	22	9	11	19	13
Appeals of Director Decisions	7	6	8	7	3
Total Appeals	29	15	19	26	16
Prosecutions					
Full-Form Prosecutions Initiated	8	11	13	11	14
Summary Offence Tickets Issued	5	4	5	4	4
Total Prosecutions	**13**	**15**	**18**	**15**	**18**

* The power to issue summary offence tickets was not in place at this time

** The categories of Inspections changed with the introduction of the new Activity Tracking System (ATS)

Orders Issued

Category	Number of Orders Issued				
	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Orders Issued Under the Acts					
Stop Work Orders	97	68	95	108	103
Deviations Granted	31	44	38	39	9
Codes of Practice Required Under Act	16	19	66	30	37
Total OHS Act Orders (including the 3 categories listed above)	1,479	1,183	1,349	1,876	1,996
Orders Issued Under the Regulations					
Blasting Safety Regulations	25	10	-	-	-
Fall Protection & Scaffolding Regulations	415	446	672	358	331
First Aid Regulations	492	439	586	775	636
General Blasting Regulations	***	***	N/A	12	22
Occupational Health Regulations	21	16	23	9	16
Occupational Safety General Regulations	1,922	1,491	1,648	2,603	2,291
Temporary Workplace Traffic Control Regs.	57	32	36	83	84
Underground Mining Regulations	1	45	7	9	14
Violence in the Workplace Regulations	348	229	104	-	-
WHMIS Regulations	438	288	286	542	389
Orders Issued Under Other Acts the Division Enforces					
Smoke-free Places Act	6	10	19	29	39
Smoke-free Places Regulations	0	0	2	0	1
Hazardous Products Act/Controlled Products Regulations***	0	0	0	0	0
TOTAL	5,204	4,189	4,732	6,296	5,819

* Regulation did not exist at the time

** The Hazardous Products Act and the Controlled Products Regulations do not include an "order" writing process. In these cases, the equivalent federal processes are tracked and recorded

*** Regulations were repealed

Distribution of Administrative Penalties by Industry (%)

Industry	SIC Range	2009/ 2010 *
Accommodation, Food, and Beverage	9000-9599	3
Agricultural and Related Services	0000-0299	4
Business Services	7700-7999	0
Communications	4800-4999	0
Construction	4000-4499	31
Education Services	8500-8599	0
Finance and Insurance	7000-7499	0
Fishing and Trapping	0300-0399	0
Government Services	8000-8499	1
Health and Social Services	8600-8999	6
Logging and Forestry	0400-0599	0
Manufacturing	1000-3999	4
Mining, Quarrying, and Oil	0600-0999	5
Other Services	9600-9999	0
Real Estate / Insurance	7500-7699	0
Retail Trade	6000-6999	15
Transportation and Storage Industries	4500-4799	3
Wholesale Trade	5000-5999	0

* Administrative Penalties Regulations came into effect on January 15, 2010.

Distribution of Divisional Activities by Industry (%)

Industry	SIC Range	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Accommodation, Food, and Beverage	9000-9599	4.2	5.7	2.8	5.4	3.8
Agricultural and Related Services	0000-0299	0.2	0.3	1.2	1.9	2.5
Business Services	7700-7999	0.8	1.5	1.4	3.0	2.6
Communications	4800-4999	2.0	1.8	2.8	0.9	1.2
Construction	4000-4499	35.9	34.2	33.3	30.1	33.4
Education Services	8500-8599	0.4	0.0	0.4	0.6	0.7
Finance and Insurance	7000-7499	0.0	0.0	0.1	0.4	0.2
Fishing and Trapping	0300-0399	0.3	0.2	0.3	1.2	1.4
Government Services	8000-8499	3.2	4.8	3.2	6.3	6.4
Health and Social Services	8600-8999	11.4	6.6	4.8	5.6	3.5
Logging and Forestry	0400-0599	0.6	0.4	0.8	1.2	0.8
Manufacturing	1000-3999	14.8	17.0	13.0	16.1	15.6
Mining, Quarrying, and Oil	0600-0999	3.7	4.8	4.4	2.7	3.4
Other Services	9600-9999	3.1	3.1	3.9	3.8	5.2
Real Estate / Insurance	7500-7699	1.2	1.3	1.4	0.7	0.7
Retail Trade	6000-6999	10.8	12.1	19.0	13.3	11.4
Transportation and Storage Industries	4500-4799	1.6	1.1	1.9	1.7	2.3
Wholesale Trade	5000-5999	5.6	5.1	5.3	4.9	4.8

Distribution of Complaint Inspections by Industry Type (%)

Industry	SIC Range	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Accommodation, Food, and Beverage	9000-9599	4.9	8.6	0.0	3.5	3.6
Agricultural and Related Services	0000-0299	0.0	0.4	0.7	1.5	2.0
Business Services	7700-7999	2.0	2.5	3.2	4.9	3.6
Communications	4800-4999	2.5	2.5	3.2	0.9	1.0
Construction	4000-4499	38.7	36.7	39.6	37.2	37.0
Education Services	8500-8599	0.5	0.0	0.0	0.8	0.7
Finance and Insurance	7000-7499	0.0	0.0	0.2	0.7	0.5
Fishing and Trapping	0300-0399	0.0	1.6	0.7	0.7	1.7
Government Services	8000-8499	3.4	3.3	7.2	7.9	8.1
Health and Social Services	8600-8999	8.8	2.9	4.7	4.2	3.7
Logging and Forestry	0400-0599	1.5	0.8	1.1	1.0	0.9
Manufacturing	1000-3999	12.3	18.4	18.9	14.4	14.5
Mining, Quarrying, and Oil	0600-0999	0.5	2.5	1.8	1.9	2.1
Other Services	9600-9999	4.4	4.5	0.0	5.6	5.3
Real Estate / Insurance	7500-7699	2.9	0.8	1.6	1.5	1.5
Retail Trade	6000-6999	8.8	8.6	8.1	6.4	7.9
Transportation and Storage Industries	4500-4799	3.4	1.6	2.0	1.8	2.5
Wholesale Trade	5000-5999	5.4	4.5	7.0	4.5	3.6

Distribution of Targeted Inspections By Industry (%)

Industry	SIC Range	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Accommodation, Food, and Beverage	9000-9599	7.0	6.4	8.6	12.3	3.4
Agricultural and Related Services	0000-0299	0.5	1.7	0.8	1.0	2.4
Business Services	7700-7999	0.5	0.6	0.0	1.6	2.4
Communications	4800-4999	1.9	0.0	3.1	0.8	1.5
Construction	4000-4499	13.1	12.7	7.0	9.9	16.1
Education Services	8500-8599	0.0	0.0	0.0	0.3	0.0
Finance and Insurance	7000-7499	0.0	0.0	0.0	0.3	0.0
Fishing and Trapping	0300-0399	0.0	0.0	1.6	2.1	2.9
Government Services	8000-8499	0.0	3.5	3.9	4.2	5.4
Health and Social Services	8600-8999	30.4	17.3	10.2	13.8	7.3
Logging and Forestry	0400-0599	0.0	0.0	3.1	2.3	0.5
Manufacturing	1000-3999	15.4	24.3	4.7	19.8	22.4
Mining, Quarrying, and Oil	0600-0999	1.9	0.0	2.3	1.3	0.0
Other Services	9600-9999	0.9	2.3	2.3	3.1	8.3
Real Estate / Insurance	7500-7699	0.5	1.7	3.1	0.8	0.0
Retail Trade	6000-6999	20.6	22.5	41.4	18.0	17.1
Transportation and Storage Industries	4500-4799	0.0	0.0	0.8	3.4	2.0
Wholesale Trade	5000-5999	7.5	6.9	7.0	4.4	8.3

Distribution of Orders By Industry (%)

Industry	SIC Range	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Accommodation, Food, and Beverage	9000-9599	6.9	10.6	4.6	5.5	4.2
Agricultural and Related Services	0000-0299	0.7	1.3	0.5	1.0	2.4
Business Services	7700-7999	0.5	1.7	0.6	1.7	2.7
Communications	4800-4999	1.6	2.0	3.7	0.7	0.6
Construction	4000-4499	22.9	27.1	31.4	18.8	32.6
Education Services	8500-8599	0.1	0.0	0.0	0.5	0.4
Finance and Insurance	7000-7499	0.0	0.0	0.0	0.4	0.1
Fishing and Trapping	0300-0399	0.1	0.3	0.0	0.5	0.9
Government Services	8000-8499	2.1	2.9	3.2	2.5	4.6
Health and Social Services	8600-8999	5.9	1.2	2.9	3.3	1.9
Logging and Forestry	0400-0599	0.0	1.2	0.5	0.7	0.8
Manufacturing	1000-3999	15.6	17.8	12.3	16.5	15.0
Mining, Quarrying, and Oil	0600-0999	4.5	5.9	1.0	2.7	2.3
Other Services	9600-9999	4.0	3.6	4.8	3.1	5.1
Real Estate / Insurance	7500-7699	0.9	0.5	1.1	0.5	0.4
Retail Trade	6000-6999	26.3	13.6	24.1	19.2	18.0
Transportation and Storage Industries	4500-4799	1.1	0.2	1.3	1.0	2.0
Wholesale Trade	5000-5999	6.8	10.2	8.1	7.3	5.9

Ratio of Orders to Activities by Industry

Industry	SIC Range	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Accommodation, Food, and Beverage	9000-9599	1.6	1.9	1.7	1.0	1.1
Agricultural and Related Services	0000-0299	3.5	4.3	0.4	0.5	1.0
Business Services	7700-7999	0.6	1.1	0.4	0.6	1.0
Communications	4800-4999	0.8	1.1	1.3	0.8	0.5
Construction	4000-4499	0.6	0.8	0.9	0.6	1.0
Education Services	8500-8599	0.0	0.0	0.0	0.8	0.6
Finance and Insurance	7000-7499	0.0	0.0	0.0	1.0	0.5
Fishing and Trapping	0300-0399	0.3	1.5	0.0	0.4	0.6
Government Services	8000-8499	0.7	0.6	1.0	0.4	0.7
Health and Social Services	8600-8999	0.5	0.2	0.6	0.6	0.5
Logging and Forestry	0400-0599	0.0	3.0	0.7	0.6	1.0
Manufacturing	1000-3999	1.1	1.0	0.9	1.0	1.0
Mining, Quarrying, and Oil	0600-0999	1.2	1.2	0.2	1.0	0.7
Other Services	9600-9999	1.3	1.2	1.2	0.8	1.0
Real Estate / Insurance	7500-7699	0.8	0.4	0.8	0.7	0.6
Retail Trade	6000-6999	2.4	1.1	1.3	1.4	1.6
Transportation and Storage Industries	4500-4799	0.7	0.2	0.7	0.6	0.9
Wholesale Trade	5000-5999	1.2	2.0	1.5	1.5	1.2

Appendix G - Prosecution Details

Prosecution Breakdown

Categories	Charges Decided				
	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
Full-Form Prosecutions Decided	5	14	10	10	25
Full-Form Charges Decided					
Guilty*	10	14	12	8	12
Not Guilty*	1	3	0	0	0
Dismissed	2**	4	0	0	14
Withdrawn	12	19	31	28	17
Stayed	0	5	0	0	0
Quashed	0	0	0	7	0
Total	25	45	43	43	43
Summary Offense Tickets (SOT) Decided[1]	6	9	5	7	5
Guilty	3	9	5	6	3
Withdrawn	3	-	-	1	2

[1] Summary Offence Tickets that go to trial are still counted as Summary Offence Tickets (not in the Full-Form Prosecution category)

* Formula for calculating prosecution success rate = Guilty Verdicts / (Total Guilty + Not Guilty Verdicts)

** 2 "Dismissed" charges were done in error by the Crown following a plea arrangement with the defense council. Two accused persons agreed to donate $4500 each to the Threads of Life; the Crown omitted to advise the court that the donations represented an agreed upon fine with corresponding convictions

Case by Case results (Full-Form Prosecutions - Guilty Only)

Accused	Offense	Charges Decided in 2008/2009	Total penalty
Eric Eagles - Employee (Darim Masonry Ltd)	Failure to ensure guardrail	FPSR 7(1) & 9(1)(b) and OHSA 17(1) & 74(1)(a) FPSR 9(2)(d) and OHSA 17(1) & 74(1)(a)	$2,000 & 18 x 1 hr presentations
Stewiacke Hardware and Building Supplies Ltd operating as National Truss Span - Employer	Failure to provide adequate instruction, training and supervision	OHSA 13(1)(c)	$4,607
Belland Farms, Mark and Heather Sutherland - Employer	Failure to take every reasonable precaution to ensure safety	OHSA 13(1)(a)	$25,000
Mersey Seafoods Ltd. - Employer	No health and safety policy , no program and no committee	OHSA 13(1)(c) & 27(1) & 74(1)(a) OHSA 13(1)(c) & 28(1) & 74(1)(a) OHSA 29(1) & 74(1)(a)	$3,000
Waterton Condominium Inc - Employer.	Failure to ensure guardrail and failure to send written notice of bodily injury within 7 days to Director of OHS	FPSR 7(10 & 9(1) (b) OHSA 63(1)(a)	$11,714

Guilty Summary Offence Ticket Verdicts

Accused	Charges Decided in 2008/2009	Total penalty
Darim Masonry	OHSA 74(1)(b)(i)	$807
Agritech Biofuels	OHSA 56(1)	$450
J. Maillet Masonry Ltd.	OHSA 74)1)(b)(i)	$300

* Summary Offence Tickets that go to trial may have the (monetary) penalty amount varied by the Judge

Appendix H - Other Items Included as Information

Public Information

As part of it's mission *"To establish, promote and enforce clear standards to reduce occupational injury and illness"*, the Division maintains a strong effort to continuously promote and increase client awareness of OHS in general, as well as OHS laws specifically. This effort includes:

- support for other major events such as:
  - North American Occupational Safety and Health Week (NAOSH)
  - Safety Services Nova Scotia Annual Conference (for which the Division was a Platinum sponsor in 2009)
  - National Day of Mourning and Davis Day
- an inquiry/question answering-service accessible either through a toll-free call or the Internet
- a frequently-visited Internet site
- alone or in concert with our partners, free courses on OHS laws and other topics
- participation on a wide range of stakeholder committees
- contributing to the funding for the Inquiry Service of the Canadian Centre for Occupational Health and Safety (CCOHS)
- special initiatives, such as the workshops on workplace violence and the IRS and province-wide seminars on workplace violence.

Categories	2009/2010	2008/ 2009	2007/ 2008	2006/ 2007	2005/ 2006
# Toll-Free Calls Received	2,084	2,472	4,393	2,928	3,685
# Inquiries Received					
English	1,462	1,480	646	462	1,909
French	1	**	**	**	**
Spanish	0	**	**	**	**
Broadcast e-mails sent	5	6	*	*	*
Broadcast e-mail recipients	551	426	*	*	*

* Broadcast e-mail service did not exist.

** Other language options were not available.

Partnerships

Workplace Safety and Insurance System

Within WSIS, a number of committees addressed issues and defined initiatives. They include:

- Coordinating Committee, made up of the Deputy Minister of the Department of Labour and Workforce Development and the Chair of the WCB
- Head of Agencies Committee, made up of the operational heads of the four main WSIS partners
- Stakeholder Liaison Committee (formerly known as the Systems Performance Advisory Committee), made up system stakeholders and representatives of the WSIS partners.

In partnership with the WSIS partners, the Division participated in:

- the annual general meeting for WSIS
- the continued implementation of the WSIS strategic plan
- integrating the business planning cycle of the agencies
- the support of an Internet site dedicated to WSIS
- social marketing and advertising campaigns aimed at raising awareness about workplace safety

Significant Committee Activities, Events and Projects

The Division participated on the following major committees:

- OHS sub-committee of the Canadian Association of Administrators of Labour Law (CAALL-OSH)
- Canadian Standards Association (CSA) technical committees regarding:
  - CSA Standard Z1002 - Occupational Health and Safety - Hazards and Risk Identification, Assessment, Elimination and Control, and
  - CSA Standard Z462 - Workplace Electrical Safety
- Farm Safety Committee
- Forestry Safety Committee
- North American Occupational Safety and Health (NAOSH) Week Planning Committee.

The Division participated in the following major events:

- WSIS annual general meeting
- North American Occupational Health and Safety Week
- National Day of Mourning
- Davis Day ceremonies
- Safety Services Nova Scotia annual conference.

The Division actively participated on the stakeholders' working group and also the regulatory committee that saw the Temporary Workplace Traffic Control manual updated. The new manual was distributed in May 2009.)